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10/948 7590 01/21/2011 Harrington & Smith, Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484				
EXAMINER				
SYED, NABIL H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,871

Applicant(s)

CHIPCHASE ET AL.

Examiner

NABIL H. SYED

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 44-51, 53-56, 59 and 61-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 44-51, 53-56, 59 and 61-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final office action in response to the RCE filed 8/06/10. Amendments received on 8/06/10 have been entered. Claims 43, 52, 57, 58 and 60 were previously cancelled. Accordingly claims 42, 44-51, 53-56, 59 and 61-81 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 42, 44, 45, 48-51 and 55, 62-66, 68-71, 73, 74 and 77-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (WO 01/50224) in view of Rankin (US Pub 2002/0039909) and further in view of Rodriguez et al. (6,650,761) and further in view of Hartmann et al. (US Pub 2003/0145036) .

As of claims 42, 55 and 62, Lin discloses an apparatus (via a RFID reader 120 and a network-enabled device 130; see fig. 1), comprising:
a radio frequency tag reader configured, , to read a code from the radio frequency tag (see page 8, lines 5-17);

a radio interface for transmitting and receiving data in a network (via the computer 130 transmitting the ID code of the tag and the reader to the network 140; see fig. 1; also see page 10, lines 19-22; Note: Lin discloses that computer 130 can be a portable lap top, a portable electronic organizer a digital mobile telephone so it has to have a radio interface to connect with the network 140); and

Lin further discloses that the application software 132 can include a look up table that map the ID codes of the tags to specific applications, servers, web site URLs (see page 11, lines 29-32). Lin further disclose that if the reader determines that the RF tag is a type 3 tag based on the tag's identification, hence determining that the read code corresponds with a stored code, and then the application software will begin a local application program on the user computer, hence performing an operation associated with the corresponding stored code (see page 13, lines 25-32). Further with respect to the lookup table, Lin discloses that the server computer 150 extracts the RF tag's unique code from the UTC and matches it against the codes in the look-up database tables. From that description it can be seen that one skill in the art would know that the computer 130 can also perform the function of matching the code in the look-table database in the computer 130 (page 11, lines 29-32). Even though the Examiner believes that based on this description it can be seen that the terminal device 130 does store the unique code of the tags and after reading the tags code first it is compared with the codes stored in the look up table of the application software and when the code is not present the terminal device will transmits the unique code of the tag to the server, hence transmitting a message.

Further, the computer 130 and server 150 can be referred to as an apparatus claimed in claim 1. Line discloses that server computer 150 extracts the RF tag's unique code from the UTC and matches it against the codes in the look-up database tables (see page 6, lines 4-6). Lin further discloses that server matches the unique code in the data base and if the code is not authenticated (meaning code does not correspond with a stored code) an error message is displayed on the user computer 130 for the user (see page 12, lines 2-15).

In order to further support the Examiner's point of view Rankin discloses an apparatus (via an electronic device 1; see fig. 1) which reads a code from a radio frequency tag (via electronic device 1 reading a code from tag 10; see figs. 1 and 2; also see paragraph [0040]). Rankin discloses that the electronic device comprises a memory (via storage means 25) configured to store a plurality of codes and each code is associated with an operation (see paragraph [00440, lines 1-12). Rankin further discloses that electronic device comprises a controller (via processing means 22 and control means 23; see fig. 2) configured to determine whether the read code corresponds with any of the plurality of codes stored in the memory and when the read code corresponds with any of the plurality of codes stored in the memory to perform an operation associated with the corresponding stored code (via processing means 22 matching the tag identifying data with the information in the storage means and changing the device setting if the storage means holds information linking tag identifying data with one or more device settings; see paragraph [0044] and [0048]). Rankin discloses that the storage means 25 may be provided remote from the apparatus which

is hosted by a service provider or third party (see paragraph [0045]). So in this case the electronic device will read the tag data, and then transmit the tag data to the service provider which will match the tag data in the storage means, and make available a selection of chosen device settings appropriate for a given context. Based on this description it can be seen that Rankin discloses that the codes associating the tag data with the device settings can be stored locally on the device, or they can be stored at a remote destination. As disclosed above, Lin discloses that a reader reads the code from the RFID tag and transmits the code to a remote server.

Even though Rankin does not disclose the steps of matching the codes in the manner claimed in the present application, namely, first matching the codes locally and if not found then transmitting the code to a remote destination to match the codes remotely, but Rankin does disclose that the codes associating the tag data with the device settings can be stored locally on the device, or they can be stored at a remote destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reference of Rankin in the manner claimed in the present application, since that would not change the respective functions of the device (because the electronic equipment, already perform both functions, namely, matching the code locally and transmitting the code to a remote destination) and it would have yielded nothing more than predictable results to one of ordinary skill in the art.

In order to further support the Examiner assertion Rodríguez discloses a an apparatus (via computer 14) which reads Bedoop data (any data which initiates some actions on the computer 14) from an item 20 (see fig. 1; also see col. 2, lines 60 through

col. 3, lines 9). Rodriguez discloses that the computer's operating system registry database can be employed to associate different application programs with different Bedoop data, so when an object with such Bedoop data is encountered the operating system automatically launches the corresponding application to service the Bedoop data in an appropriate manner (see col. 7, lines 5-57 and lines 49-60). Rodriguez further discloses that if the computer system encounter a Bedoop object for which it does not have a registered application, it establish a link to a mater server computer 42 and transmit the Bedoop data (or a part of the data) to that server computer (see col. 7, lines 63 through col. 8, lines 6), hence transmitting the message comprising the read code. Rodriguez further discloses that Bedoop data is divided into three fields CLASS, DNS and UID. Rodriguez further discloses that the CLASS ID and DNS lds are used in identifying the server computer (remote destination) that will respond to the Bedoop data (see col. 7, lines 30-34). Rodriguez further discloses that the master server 42 examines the CLASS ID, and forwards the Bedoop data to a corresponding CLASS server 44 (remote destination; see col. 8, lines 56-67), hence the message is configured to initialize an action, namely, server examining the CLASS ID and forwarding the data to a corresponding server. Note: the Examiner is interpreting that the CLASS server 44 is the remote destination and since the CLASS server 44 is chosen based on the CLASS ID received from Bedoop data, the CLASS sever 44 (remote destination) is dependent upon the read code (Bedoop data). Further note that claim language merely recites that a message is transmitted to a remote destination via the network, wherein the remote destination is dependent upon the read code", it does not specify that the

message is directly transmitted to a specific destination, so a message can be transmitted indirectly through intervening servers.

From the teaching of Rodriguez it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Lin and Rankin to include the step of matching the code data locally in the device first in order to expedite the process, because if the data is matched locally it would take less time to process and perform the associated action, and then if data is not matched transmit a message to a remote computer so the remote computer can instruct the originating device how to respond appropriately (see col. 8, lines 1-6).

From the reference of Rodriguez, it can be seen that a controller reads information from a device, checks the information locally and if not found locally transmit the information as a message to a remote destination. In order to further support, Hartmann discloses a communication system, wherein a query system 180 reads information from an identification tag 200 (see figs. 1 and 2). Hartmann discloses that the information read from tag includes the information about the tag and information about the business or businesses using the tag (see paragraph [0071]-[0072]). Hartmann further discloses that after reading the tag information, the query system, first checks the information in the cache (local memory) to see if information about the identification tag and its object is in the cache (see paragraph [0072]). Hartmann further discloses that if the information about the tag is not stored in cache, the query system transmits a message to a central object name server (see paragraph [0072]).

From the teaching of Hartmann it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Lin and Rankin to include the step of matching the code data locally in the device first as taught by Hartmann in order to decrease amount of traffic that the central server is required to handle (see paragraph [0075]).

As of claims 44, 45, 73 and 74, Lin discloses that if a "free tag" is used, a user can obtain free clips of audio tracks, movie trailer to play them on their computer/network enable device 130; see page 21, lines 1-15) and if a user uses a "special tag" they can listen to the radio content on a server computer via the computer 130 (see page 21, lines 31-33), hence different tag transmits different messages on the network and computer 130 performs different operation based the instructions received from the server.

As of claims 48 and 77, Lin discloses that the operation relates to sending an email (see page 9, lines 21-26). Rankin further discloses that the tags can be used to control function of the electronic equipment with regard to emails (see paragraph [0049]).

As of claims 49, 50, 78 and 79, Lin discloses that RF tag can be used as "business cards" to client. When placed in the proximity of a reader, the business person's email address will be displayed to the client and the user can type a message (amending the email) and send the email by pressing "send", hence requesting the user approval before sending the email (see page 25, lines 6-12)

As of claims 51 and 80, Lin discloses that each RF tag's unique code is linked to a web site URL, hence specifying the IP address or the domain name where the resource is located on the internet, and the user uses the computer 130 to open a browser (see page 5, lines 13-16).

As of claims 63, 65, 66, 70, 71 Lin discloses that application software 132 reads the RF tag unique code off of the tag, then checks if the local application program needs to be start, and if not, a message is transmitted to the server 150 including the tag's unique code (see page 13, lines 21-32).

Hartmann further discloses that the query system reads the data from the tag, and the query is directly transmitted to a designated server 140 (see paragraph [0075]). Note: Hartmann discloses that the query system 180 can read the code from the tag, and based on the processing of the information, the query can be transmitted to a central server 130 or the query is directly transmitted to a peripheral server 140 (see fig. 1; also see paragraph [0075]).

As of claim 64 and 69, Lin discloses that the computer 130 reads the unique code from the tag and initiates a local application, for example launching a browser program (see page 6, lines 13-25), hence comprising a macro which is used by the computer 130 to perform the function of launching the browser. Lin further discloses that each code of the RF tag is mapped with a specific application or web site URL that is accessed via the computer network 140.

As of claim 68, Rankin discloses that apparatus is a portable communication apparatus (via mobile phone 1; see fig. 1).

4. Claims 46, 47, 75, 76 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, Rankin, Rodriguez, Hartmann and further in view of Wischerop et al. (5,955,951).

As of claims 46, 47, 75, 76 the combination of Lin, Rankin and Rodriguez discloses all the limitations of the claimed invention as mentioned in claim 42 above, however the combination fails to explicitly disclose that the apparatus comprising a docking port and the RFID reader is configured, in response to the docking port receiving a device to read information from the tag.

Wischerop discloses a apparatus comprising a RFID reader (via a detaching unit 26, including a control circuit 92, wherein control circuit interrogates the tag 28; see col. 7, lines 53-65), detaching unit further comprising a nesting area 84 (docking port), the control circuit 92 interrogating the tag 28 only when the tag is in the nesting area 84 (see col. 7, lines 19-31; also see col. 7, lines 51-64; also see fig. 5). Wischerop further discloses that the detaching unit 26 comprises a switch 86 in the nesting area 84 (docking port) to provide an indication that a tag 28 has been positioned in the nesting area 84 (see col. 7, lines 24-29).

From the teaching of Wischerop it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Lin, Rankin and Rodriguez to include a docking port on the apparatus as taught by Wischerop in order to eliminate any problem of interference from other tags that may be present at the vicinity of the reader (see col. 7, lines 62-65).

As of claim 81, the combination of Lin, Rankin, Rodriguz and Hartmann discloses all the limitations of claimed invention as mentioned in claim 42 above, Wischerop further discloses a device (via tag 28; see fig. 8), comprising: a casing configured to be received by a docking port of an apparatus (via enclosure 50; see fig. 5 and 3); a memory configured to store information (via RFID chip 64 storing multi-bit identification data; see col. 5, lines 56-60); and a radio frequency tag configured, in response to the reception of the casing by the docking port, to transmit the stored information to the apparatus, in order to enable the apparatus to transmit a message (via RFID chip 64 emitting an identification signal corresponding to the stored data in response to a radio frequency interrogation signal; see col. 5, lines 55-64; also see col. 7, lines 53-65; also see fig. 5).

5. Claims 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, Rankin, Rodriguez, Hartmann, Wischerop et al. and further in view of Gallagher, et al. (6,963,270).

As of claims 53 and 54, Lin discloses that RFID reader reads plurality of tags and performs different functions based on the tag's unique code. Wischerop further discloses that the nesting area (docking port) interrogate the tag when the tag is placed in the nesting area. (Note: In the previous office action the Examiner took official notice stating that having multiple tags in the reader fields would have been obvious to one having ordinary skill in the art at the time the invention was made since it is well know in the art that RFID reader can have multiple tags in the reading area simultaneously, since applicant did not traverse the examiner's assertion of official notice, the statement

is taken to be admitted prior art because applicant failed to traverse the examiner's assertion; see MPEP 21444.03, section C).

In order to support the Examiner's notice Gallagher discloses a RFID system wherein a reader interrogates multiple tags located within an interrogation zone of the reader (see col. 2, lines 22-26).

6. Claims 56, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, Rankin, Rodriguez, Hartmann and further in view of Walter (6,275,14).

As of claim 56 and 61, Lin discloses an apparatus, comprising:
a memory configured to store first information (Lin discloses that the data of interest (first information) of a user is stored in a system server under a unique RF code; see page 23, lines 24-28);
a radio frequency tag reader configured to read second information from a radio frequency tag of a device (via RFID reader reading the unique code of the RFID tag (second information); see page 23, lines 27-29); and
a controller configured, in response to the reading of the second information from the radio frequency tag, to activate a secrecy mode by concealing the first information, such that the first information is inaccessible by an unauthorized user (Note: Lin discloses that the data of interest is stored in the system server under a unique RF code, hence first the RF tag's code is used to conceal the data of interest of the user. So every time when users wishes to acquire the data of interest he/she uses his/her tag to acquire the data, and after every use data is concealed since the tag will be required, the next time

user wishes to acquire the data of interest; see page 23, lines 24 through page 24, lines 5).

However Lin does not explicitly disclose the step of concealing the first information when the first information is displayed on the display.

Walter discloses a single key security system wherein different functions such as using a cellular phone of the vehicle (see fig. 1) are available to the user. But when the processor 116 receives a signal from the remote control 102 it enables a valet mode (secrecy mode) wherein the use of the cellular phone and hence the information displayed on the cellular phone is disable (see col. 7, lines 35-45).

From the teaching of Walter it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Line to include the function of concealing some information as taught by Walter in order to provide the user with the option to give limited and restricted access to user's communication device.

As of claim 59, Even though not explicitly said but from the description of Lin it can be seen that when a person is given an RFID tag he/she is authorized to access the data of interest (first information) on the server computer via the network-enabled device, and after the user has viewed the information using the RF tag code (second information) the data of interest is concealed, unless the RF tag is presented again, hence the server system activate the secrecy mode by concealing the data for interest (first information) such that the data is inaccessible by an unauthorized user (Note: unauthorized user can be viewed as any user who does not posses an authorized RF

tag). Further as discloses above the network-enabled device comprises a computer, hence comprising a display to view the data of interest (see page 23, lines 24-32; also see page 24, lines 15-20). Further when user is viewing the data of interest, of course they have the option to show the information to any individual they desire, whether that person possesses a valid RFID tag or not.

Lin further discloses that when the processor receives a signal from the remote control 102 it deactivates the valet mode so the user have full access to the vehicle, and devices in the vehicle (see col. 7, lines 35-45).

7. Claims 67, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, Rankin, Rodriguez, Hartmann and further in view of Katagishi et al. (US Pub 2003/0120745).

As of claim 67 and 72, the combination of Lin, Rankin and Rodriguez discloses all the limitations of the claimed invention; however the combination fails to explicitly disclose that at least a part of the read code is used to select a remote server.

Karagishi discloses an information receiving system wherein a reader (via cellular phone 20; see fig. 1) reads a code from a RFID tag (via cellular phone 20 reading a server access address and product ID from the RFID tag 10; see fig. 1; also see paragraph [0057]), wherein the code (the part containing the server access address) is used to select a destination (server 30) (see fig. 1; also see paragraph [0055]-[0059]).

From the teaching of Karagishi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of

Lin, Rankin and Rodriguez to include the step of using the code to select a destination as taught by Karagishi in order to improve the functionality of the PDA's or cellular as RFID reader so the reader automatically accesses the server based on the server access address.

Response to Arguments

8. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NABIL H. SYED whose telephone number is (571)270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NABIL H SYED/
Examiner
Art Unit 2612

N.S
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